

COVER EXHIBIT 5

VERDICT SHEET

Re: Grosso v. LIRR  
CV 13-3545  
February 3, 2020

Federal Employer Liability Act (FELA)

1. Has Plaintiff proven, by a preponderance of the evidence that the Railroad was negligent?

YES ☒  
NO ☐

If YES, Proceed to answer Question number 2.  
If NO, DO NOT answer Question Number 2 and proceed to answer  
Question Number 3

2. Has Plaintiff proven, by a preponderance of the evidence, that the Railroad's negligence caused, however slight, the Plaintiff's injuries?

YES ☒  
NO ☐

If you have answered YES to BOTH Questions 1 AND 2, Proceed to Answer Question No. 3.

If you have NOT answered YES to BOTH Questions 1 AND 2  
DO NOT Answer Question Numbers 3 and 4 and Proceed to Question number 5.

CONTRIBUTORY NEGLIGENCE

3. Has the Railroad proven, by a preponderance of the evidence, that Plaintiff was contributorily negligent, in whole or in part?

YES ☐ NO ☒

4. Has the Railroad proven, by a preponderance of the evidence, that Plaintiff's contributory negligence caused, in whole or in part, Plaintiff's injury?

YES ☐ NO ☒

If you answered YES to Questions 3 and 4, state the percentage of negligence that you attribute to each party:

Plaintiff: \_\_\_\_\_ %

Defendant: \_\_\_\_\_ %

Total: \_\_\_\_\_ 100%

Proceed to answer Question No. 5

**Locomotive Safety Act (LSA)**

5. Has Plaintiff proven, by a preponderance of the evidence that the Railroad violated the Locomotive Safety Act?

YES ☒ \_\_\_\_\_  
NO \_\_\_\_\_

If YES, Proceed to answer Question number 6.  
If NO, DO NOT answer Question Number 6.

6. Has Plaintiff proven, by a preponderance of the evidence, that the Railroad's violation of the Locomotive Safety Act caused, however slight, the Plaintiff's injuries?

YES ☒ \_\_\_\_\_ NO \_\_\_\_\_

If you have answered:

YES, to Questions 1 AND 2 OR

YES, to Questions 5 AND 6 OR

YES to Questions 1 and 2 and 5 and 6

Then you will have found in favor of PLAINTIFF and you will go on to consider Damages.  
After you consider Damages, inform the Clerk that you have reached a verdict.

If you have NOT responded as set forth above, you will have found in favor of DEFENDANT and you will NOT consider Damages. You will therefore now inform the Clerk that you have reached a verdict.

**Damages Instructions**

**Answer Question 7 "Damages" ONLY IF**

**You have answered YES, to Questions 1 AND 2 OR**

**You have answered YES, to Questions 5 AND 6 OR**

**You have answered YES to Questions 1 AND 2 AND 5 AND 6**

7. What damages is Plaintiff entitled to recover?

A. Past Lost Wages:

\$490,000 (stipulated)

B. Future Lost Wages:

\$ ~~303,000~~ 275,000

C. Future Lost Pension Contributions:

\$ 160,000

D. Past physical pain and suffering and emotional suffering:

\$ 250,000

E. Future physical pain and suffering and emotional suffering:

\$ 750,000